IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1003 of 2007(M)

CP.44/2006 (RE-NUMBERED AS CP.26/07)of J.M.F.C.-II,TRIVANDRUM

.....

: PETITIONER/4TH ACCUSED

MAHESH, S/O. MOHANAN,
T.C.25/3365-1, PUTHEN ROAD JUNCTION,
VANCHIYOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 1003 OF 2007

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DATED THIS THE 26th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the 4th accused in Crime No.128/05 of Peroorkada Police Station for offences punishable under sections 447, 323, 324 and 308 read with section 34 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.P.No.44/06 on the file of the J.F.C.M.-II, Thiruvananthapuram, the case against him was re-filed and numbered as C.P.No.26/07. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted yo nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn